

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	Criminal No. 1:20-CR-335 (TJM)
)	
v.)	
)	
JACOB DELANEY)	
)	
Defendant.)	

ORDER

A. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendants in a speedy trial because:

1. this delay is necessary for the reasons articulated in General Order No. 58, In Re: Coronavirus Public Emergency; denial would be likely to deny all counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv); trial preparation involves close contact with witnesses, which is inconsistent with advice from the Centers for Disease Control and may be hazardous to the health of either or both of counsel and the witnesses; and the defense seeks additional time, which may extend beyond the statutorily excludable time under 18 U.S.C. § 3161(h)(D) relating to the defense's pending Motion to Suppress, to allow the defense time to revisit the posture of this case once the Court provides a decision on defendant's pending Motion to Suppress, and to reevaluate resolution

and/or prepare for trial if need be, taking into account the exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv).

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS
IT IS HEREBY ORDERED:

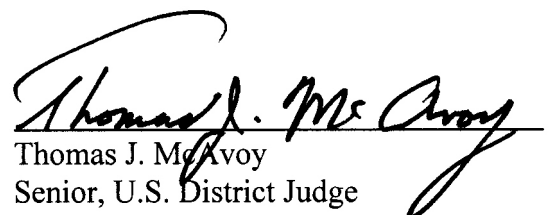
A. A period of 60 days, beginning on and including the date of this Order shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B) because of the reasons articulated in General Order No. 58, In Re: Coronavirus Public Emergency; denial would be likely to deny all counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv); trial preparation involves close contact with witnesses, which is inconsistent with advice from the Centers for Disease Control and may be hazardous to the health of either or both of counsel and the witnesses; and the defense seeks additional time, which may extend beyond the statutorily excludable time under 18 U.S.C. § 3161(h)(1)(D) relating to the defense's pending Motion to Suppress, to allow the defense time to revisit the posture of this case once the Court provides a decision on defendant's pending Motion to Suppress, and to reevaluate resolution and/or prepare for trial if need be, taking into account the exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv).

A. Any pretrial motions in this case shall be filed on or before _____ and shall be made returnable on _____.

B. The trial in this matter shall begin on 5/10/2021 at 10:00am before Senior United States District Judge Thomas J. McAvoy in Albany, New York or, in the alternative, a change of plea shall be entered on or before 4/15/2021 _____.

IT IS SO ORDERED.

Dated and entered this 10th day of February, 2021.


Thomas J. McAvoy
Senior, U.S. District Judge